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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,287	09/30/2003	Jeyhan Karaoguz	14794US02	5434
7590 10/17/2007				
Christopher C Winslade McAndrews Held & Malloy Ltd 500 Wes Madison St 34th Floor Chicago, IL 60661				
			EXAMINER MENDOZA JR, JORGE	
			ART UNIT 4126	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,287

Applicant(s)

KARAOGUZ ET AL.

Examiner

Jorge Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/31/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/30/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-31 are presented for Examination.

Priority

2. A reference to the prior application No. 60/432,472, filed on December 11, 2002, application No. 60/443,894, filed on January 30, 2003, application No. 60/457,179, filed on March 25, 2003, and application No. 60/451,171, filed on February 28, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated reference (Attorney Docket No. 14185US02 & Attorney Docket No. 14274US02 are disclosed in paragraph [0002] and incorporated reference (Attorney Docket No. 14276US02 & Attorney Docket No. 14278US02) are disclosed in paragraph [0039].

Drawings

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show proper elements of Figure 1 and Figure 2 as described in the specification. For example, paragraph [0030] makes reference to a component 100 in Figure 1 but there is no such component labeled in Figure 1a. Also, paragraphs [0037 & 0038] make reference to components 211 and 213 not shown in Figure 2. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: Information provided in paragraphs [0002] and [0039] of the specification is incomplete because US Patent Application numbers are missing. In addition, paragraph [0017] makes reference to a Fig. 1, which should be changed to Figs. 1a-e. Furthermore, paragraphs [0030, 0036, 0046, 0049] make reference to Fig.1, which should be changed to Fig.1a. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claim 1-5, 8-15, 18-25, and 28-31** rejected under 35 U.S.C. 102(e) as being anticipated by **Novak (US Patent Application Publication 2002/0104099)**.

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With respect to **Claim 1**, the claimed “locating media stored locally at least at a first location in the communication network; organizing said located media into channels” is met by Novak teaching an upload source 122 sending media files to a local studio 106 and having control as to their scheduling in a ‘synthetic’ channel (Fig.1 & 4; paragraphs 0010, 0026, 0041, 0056, & 0057). The claimed “transparently transferring at least a portion of said organized channels to at least a second location within the communication network” is met by Novak teaching a user at a second location 152 receiving media files associated with the ‘synthetic’ channel when it is selected for viewing (Fig. 4 & 11; paragraphs 0059, 0085, & 0086):

With respect to **Claim 2**, the claimed “displaying said organized channels in at least one constructed display” is met by Novak teaching the use of a display 154 at a second location 152 for displaying a synthetic channel 804 listed on an EPG 802 (Fig.1 & 8; paragraphs 0026 & 0071).

With respect to **Claim 3**, the claimed “constructed display is at least one of a media guide, device guide and a channel guide” is met by Novak teaching the use of an EPG 802 in displaying a ‘synthetic’ channel listing (Fig.8 and paragraph 0071).

With respect to **Claim 4**, the claimed “constructed display is formatted as a graphical user interface” is met by Novak teaching an EPG 802 that is configured to access media displayed in a ‘synthetic’ channel listing once it has been selected (Fig.8 and paragraph 0072).

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With respect to **Claim 5**, the claimed “constructed display is displayed at least at one of said first location and said second location” is met by Novak that teaches the use of a display 154 at a second location 152 (Fig.1 and paragraph 0038).

With respect to **Claim 8**, the claimed “transparently transferring media corresponding to at least said second location” is met by Novak teaching media being sent to a 2nd location 152 once a ‘synthetic’ channel is selected on the EPG 153 (Fig.1; and paragraphs 0059 & 0085).

With respect to **Claim 9**, the claimed “updating an existing constructed display at said second location to reflect said transparently transferred at least a portion of said organized channels” is met by Novak teaching an EPG 153 being updated with media programs on a ‘synthetic’ channel created by an uploading source 122 (Fig.1 and paragraphs 0041, 0059, & 0083).

With respect to **Claim 10**, the claimed “authorizing said transparent transfer of said at least a portion of said organized channels to at least said second location” is met by Novak teaching the use of a ‘token’ to subscribe a user at 2nd location 152 in order for the receipt of ‘synthetic’ channel listing and ultimately allowing the transfer of media to the 2nd location (Fig.4, paragraphs 0058 & 0080).

Claim 11 is met as previously discussed with respect to claim 1.

Claim 12 is met as previously discussed with respect to claim 2.

Claim 13 is met as previously discussed with respect to claim 3.

Claim 14 is met as previously discussed with respect to claim 4.

Claim 15 is met as previously discussed with respect to claim 5.

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Claim 18 is met as previously discussed with respect to claim 8.

Claim 19 is met as previously discussed with respect to claim 9.

Claim 20 is met as previously discussed with respect to claim 10.

Claim 21 is met as previously discussed with respect to claim 1. In addition, Novak teaches that the upload source 122 can consist of a set top box or a PC uploading media files to a server (Fig.1 and paragraph 0055 & 0056).

Claim 22 is met as previously discussed with respect to claim 2.

Claim 23 is met as previously discussed with respect to claim 3.

Claim 24 is met as previously discussed with respect to claim 4.

Claim 25 is met as previously discussed with respect to claim 5.

Claim 28 is met as previously discussed with respect to claim 8.

Claim 29 is met as previously discussed with respect to claim 9.

Claim 30 is met as previously discussed with respect to claim 10.

With respect to **Claim 31**, the claimed "at least one processor is at least one of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and a media peripheral processor" is met Novak teaching an upload source 122 being a set top box or a PC.

Claim Rejections - 35 USC § 103

8. **Claims 6, 7, 16, 17, 26, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Novak (US Patent Application Publication 2002/0104099)** in view of **Martin et al (US Patent 7,174,512)**.

With respect to **Claim 6**, the claimed “presenting representations of locally stored media at said second location and representations of said transparently transferred media in a single constructed display” is met in part by Novak teaching a system that allows an individual to upload media files to a server, allows scheduling the order in which they are presented to a 2nd user in a ‘synthetic’ channel listing included in an EPG, and transferring the media files listed in the ‘synthetic’ channel listing upon its selection by the 2nd location as discussed in claim 5 above.

However, Novak does not teach that the locally stored media at the 2nd location is represented in addition to the ‘transparently transferred media’.

Martin et al. teaches a system that displays broadcast channels and locally or remotely stored content on one common display (Fig.5c; col.1, lines 56-59; col.14, lines 22-25 & lines 44-47).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the teaching of Martin et al. with those of Novak, because both Martin et al. and Novak teach displaying available media content to an end user. A person with ordinary skill in the art would have been motivated to make the modification to Novak in order to allow the additional benefit of displaying local media available for viewing by a user of the system.

With respect to **Claim 7**, the claimed “integrating representations of broadcast media in said presented single constructed display” is met by Novak teaching a EPG 153 that contains both a ‘synthetic’ channel listing 908 created by a 1st user 122 and

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broadcast channel listings 902, containing local and national television channels (Fig. 9 and paragraph 0074).

Claim 16 is met as previously discussed with respect to claim 6.

Claim 17 is met as previously discussed with respect to claim 7.

Claim 26 is met as previously discussed with respect to claim 6. In addition, both Novak and Martin et al. teach the use of set top boxes in the displaying of available media. Specifically, Novak discloses set top box 152 (Fig.1) and Martin et al. discloses set top box 1140 (Fig. 2 & 4B).

Claim 27 is met as previously discussed with respect to claim 7.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zustak et al. (US Patent Application Publication US 2002/0104098) teaches a method of providing a television channel, consisting of programming content uploaded by a first user, to a group of subscribers.

Navar (US Patent 7,080,400) teaches a method for distributed storage and presentation of multimedia in a cable network environment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 8660217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jorge Mendoza Jr.

October 9, 2007

Lun-Yi Loo
Primary Examiner

